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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,210	02/26/2002	Hiroyuki Kobayashi	P21667	2585
7055	7590	08/20/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				AN, SHAWN S
ART UNIT		PAPER NUMBER		
		2613		

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/082,210	KOBAYASHI ET AL.
	Examiner Shawn S An	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 9 is/are rejected.
- 7) Claim(s) 7 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

### ***Response to IDS***

1. As per Applicants' request, the IDS filed on 5/24/2002 have been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiyama et al (5,124,789).

**Regarding claim 1**, Hiyama et al discloses an organ-region-indicating system incorporated in an endoscope system, comprising:

an organ-region-image database in which a plurality of reference data indicating distinctive organ-regions of the organ map and a plurality of image data representing the distinctive organ-regions are correspondingly stored (Fig. 3, 731);

a still image capturing system for retrieving a frame of still image data as reference image data at suitable regular time intervals (723);

a searching system that searches the image database for image data which coincides with the reference image data after the retrieval of the frame of still image data from the video signal by the still-image capturing system (col. 3, lines 7-29); and

a reference display control system (722) for displaying corresponding reference data on the monitor only when the image data, which coincides with the reference image data, is found by the searching system, whereby an endoscope image displayed as the motion image on the monitor is indicated by the corresponding reference data displayed thereon (col. 3, lines 7-29).

**Regarding claim 5**, Hiyama et al discloses a data base that renovates the image data base on the basis of the reference image data when the image data coincides with the reference image data (col. 27, lines 57-68).

**Regarding claim 6**, Hiyama et al discloses a system for reading image data in succession from the image data base, and a determination system for determining whether the read image coincides with the reference image data (col. 3, lines 7-29). Note: inherency also emphasized.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al (5,124,789).

**Regarding claim 2**, even though Hiyama does not specifically disclose canceling a preceding display of the reference data when the image data, coinciding with the reference image data, is not found by the searching system, it would certainly have been obvious, if not by default, for a display system to cancel the preceding display of the reference data as a result of an invalid search, because there is nothing to display/show.

Furthermore, such a display system is conventionally well known in the art.

**Regarding claim 3**, the Examiner takes official notice that a display control system comprising a forcible-canceling system such as an override mechanism/device is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing an endoscope system to incorporate the override mechanism/device in the

display control system so as to cancel a display data on the monitor even if the image data coinciding with the reference image data, is found by the searching system, in case such as an emergency, and/or an user or observers see an obscene display, which may not be suitable for certain individual.

**Regarding claim 4,** the Examiner takes official notice that a search system comprising a searching area designating device in which an area to be searched is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing an endoscope system to incorporate the searching area designating device so as to search a designated area in the organ region data base as an efficient and a quicker way to find a search.

**Regarding claim 9,** the Examiner takes official notice that a feature extraction in the image processing art is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art employing an endoscope system to incorporate the feature extraction so as to compare the reference image data as a feature with a stored image data comprising a similar feature as an efficient and a quicker way to find a search.

#### ***Allowable Subject Matter***

6. Claims 7-8 are objected to as being dependent upon a rejected base claim 1, but would be allowable if claim 7 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims.

**Dependent claims 7-8** recite novel features comprising a numerical evaluating system for evaluating a degree of coincidence between the read image data and the reference image data, and a comparison system that compares the degree of coincidence with a threshold, thereby determining that there is a coincidence between the image data and the reference data when the degree of coincidence is more than the threshold, and thereby determining that there is no coincidence between the read image data and the reference image data when the degree of coincidence is less than the threshold.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
  - A) Uehara et al (5,592,216), Endoscope apparatus capable of storing image information for a plurality of frames.
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).
9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

8/18/04